

The Zoning Board of the Village of Winnebago met at 7:00 p.m. with Chairman Charles Van Sickle presiding.

ROLL CALL

COOK – EMMERT – EUBANK – KONING – MEDEARIS VAN SICKLE: present

KONING (arrived at 7:23 p.m.)

Guests: Attorney Mary Gaziano, Lindsay Carlson, Steven Cunningham, Randall Cunningham, and Lori Schultz

There was no disclosure of any conflict of interest.

A motion was made by Bill Emmert, seconded by Frank Eubank to approve the Zoning Board Minutes from February 27, 2017. The motion was carried on a voice vote of those present.

CHAIRMAN Van Sickle stated that the Zoning Board received a Zoning complaint from Lindsay Carlson dated March 27, 2017 regarding 202 N. Pecatonica Street. The complaint stated that the noise and smell from the trucking business at the location is in violation of the Zoning Ordinance District 5 – Light Industrial. CHAIRMAN Van Sickle asked Ms. Carlson for further details. Ms. Carlson stated that several semi tractors idle in the early morning hours outside of the building and the vibration is felt within her home, and while they are idling they emit a very heavy diesel exhaust smell. CHAIRMAN Van Sickle asked Ms. Carlson if these incidents have occurred after March 6, 2017, at which time the owner of the property, Alta Straley, was mailed a letter informing her there was a complaint received by a neighbor regarding noise, smell, and semi traffic. Ms. Carlson replied that it happened on March 23 and 24, 2017.

Steven Cunningham stated that the semis idle as long as 30-45 minutes on occasion and that there are too many semis at the location that remain outside of the building. Mr. Eubank asked if the semis are idling inside or outside of the building. Mr. Cunningham replied that they idle in both locations, however, you can still hear and feel the vibration of the semis idling from inside the building. Mr. Eubank stated that it is necessary to document the information and provide it to the Village Office so that an ordinance violation letter can be sent to the property owner. Mr. Cunningham asked if that meant getting the Police involved. CHAIRMAN Van Sickle replied, no, write down the date, time, length of time, and the issue each time it happens and provide it to the Village Office.

Mr. Cunningham asked what changes will be made if the proposed Zoning Ordinance amendment is passed. Mr. Emmert stated that the current amendment to the Zoning Ordinance being considered will not remove the provision that a business in District 5 - Light Industrial cannot be seen, heard, smelled, or vibration felt, the amendment being considered is for special use. Mr. Emmert continued by stating the purpose of Light Industrial is to utilize old existing buildings without disturbing residents in the surrounding neighborhood. If they are starting vehicles and driving away and it can be heard and felt, they are not violating the ordinance, Mr. Emmert urged them to be very specific regarding

the length of time a semi is running. Attorney Gaziano suggested that when they are documenting the incidents, actually watch the clock for the accurate reporting of the length of time.

Attorney Gaziano asked if they are aware of other neighbors complaining. Mr. Cunningham replied that he has not heard other complaints, although several of the neighbors are new to the area. CHAIRMAN Van Sickle stated that if the proposed amendment is brought before the Zoning Board for a vote the Board is required to have a Public Hearing and all neighbors within 250 feet of the property will be notified.

The proposed ordinance amending the Zoning Ordinance that was presented by Attorney Gaziano at the February 27, 2017 Zoning Board meeting has been modified. The ordinance with modifications is attached to the minutes.

A Public Hearing regarding Zoning Ordinance amendments is scheduled for Monday, April 24, 2017 at 6:55 p.m. at Village Hall.

There being no further business to present, upon motion by Frank Eubank, seconded by Dick Medearis, and passed unanimously, the meeting was adjourned at 7:54 p.m.

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Charles Van Sickle, Chairman

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING AND BUILDING  
CODE OF THE VILLAGE OF WINNEBAGO, ILLINOIS  
TO AMEND PROVISIONS IN DISTRICT NO. 5--  
LIGHT INDUSTRIAL DISTRICT**

**WHEREAS**, the Village of Winnebago Zoning Ordinance, also known as the Zoning and Building Code of the Village of Winnebago, Illinois, was passed on April 27, 1957 and published May 23, 1957, and previously amended via Ordinance No. 404 passed on January 8, 1973, Ordinance No. 76-2 passed on May 3, 1976, and Ordinance No. 94-4 passed on June 13, 1994, with the later ordinance establishing the District No. 5 zoning district, namely, the Light Industrial District, as well as amended via subsequent ordinances not affecting the Light Industrial District zoning; and

**WHEREAS**, the intent when in establishing the Light Industrial District designation was to allow for the productive use, under such district, of some of the older, existing buildings in the Village which are adjacent to, or in close proximity to, residential districts, and which by their size, construction, or configuration are not readily conducive to residential use, but are still in good condition for warehousing or other light industrial purposes uses, provided one cannot see, hear, smell, or feel vibration from the operation of the business; and

**WHEREAS**, over the years since passage of Ordinance No. 94-4, it has been determined that some of the permitted uses listed are not needed or practical for the Village, and other provisions of said ordinance are too restrictive, thereby not accommodating certain permitted uses that would logically fall under the intended type of uses under such Light Industrial zoning classification; and

**WHEREAS**, the Board of Trustees of the Village of Winnebago feels it is in the best interest of the citizenry of the Village of Winnebago to further amend the Village's Zoning and Building Code to make certain changes to the District No. 5--Light Industrial District zoning requirements in order to accommodate practical and desirable permitted uses under the Light Industrial District not currently allowed by said

ordinance, and to eliminate certain uses currently provided for in said zoning district that have proven over the years not to be requested or practical uses. *word "it" added*

**NOW, THEREFORE, IT BE ORDAINED** by the President and the Board of Trustees of the Village of Winnebago, Illinois, that the following amendments be made to the Zoning and Building Code, to wit:

*space added*

### **ARTICLE 1**

**Amendments to the Zoning and Building Code are as hereinafter provided:**

- A) The "Purpose" section of the District No. 5--Light Industrial District in Section III of the Zoning and Building Code entitled "District Establishment and Regulations" shall be and hereby is repealed and replaced with the following section which adds language to indicate the intent behind the Light Industrial District classification, as well as its purpose:

*comma deleted*

1. **PURPOSE AND INTENT.** The primary purpose of the Light Industrial District is to allow for the productive use of older, existing buildings in the Village which are adjacent to, or in close proximity to, residential districts, and which by their size, construction, or configuration are not readily conducive to residential uses, but are still in good condition for useful purposes such as warehousing or other light industrial uses, provided one cannot see, hear, smell, or feel vibration from the operation of the business when measured at the property line of the subject property. It is not intended for these older buildings to be extensively remodeled or expanded. *deleted extra word "for"*

*separated into new paragraph*

It is the intent that uses in a Light Industrial Zoning District will be for wholesale and warehousing uses, as well as those industrial uses that include fabrication, manufacturing, assembly, or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot, or lighting which interfere with use and enjoyment of adjacent properties, when measured at the property line of the subject property.

Notwithstanding the foregoing primary purpose and intent, property adjacent to an Industrial District may be zoned Light Industrial even though an older, existing building is not located thereon, and in such event new buildings may be constructed, remodeled, or expanded on the subject property.

- B) The "Permitted Uses" section of the District No. 5--Light Industrial District in the Zoning and Building Code shall be repealed and replaced with the following:

1. **PERMITTED USES.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the Light Industrial District except for one or more of the following uses:

- a) Any production, processing, servicing, testing, repair, or storage of materials, goods, or products.
- b) Wholesaling and warehousing.
- c) Public and community service uses, as follows:  
  - Electric substations;
  - Fire stations;
  - Municipal or privately-owned recreation buildings;  
    - or community centers;
  - Police stations;
  - Telephone exchanges;
- d) Motor vehicle service/repair;
- e) Cabinet making and carpenter shops;
- f) Non-hazardous material, bulk storage, and related uses;
- g) Storage building for household goods.

*letters added*

In addition to the above, other similar uses consistent with the intent and purpose of this ordinance, may be allowed as special permitted uses subject to approval of the same by the Village Zoning Board.

- C) The "Special Permits" section of Section V of the Zoning and Building Code entitled "Enforcement and Administration" shall be and hereby is repealed and replaced with the following:

*changed from "language contained hereinbelow. Therefore, said subsection shall now read as follow:" to "following."*

Special Use Permit--A Special Use Permit must be issued for any of the uses for which this ordinance requires the obtaining of such permit from the Village Zoning Board, or for the extension of a building or use as such existed at the time of the passage of this ordinance into a contiguous more restrictive district for a distance not exceeding fifty (50) feet, but not for any other use or purpose. If the Village of Winnebago Zoning Board of Appeals grants a Special Use Permit, all grantees of such Special Use Permit shall be subject to reasonable restrictions on the use(s) allowed (including but not limited to restrictions on hours of operation and fencing), as imposed by the aforesaid Zoning Board. All provisions of the ordinance governing the issuance of such permits are to be followed exactly, and any such Special Use Permit shall be subject to possible revocation, following a due process hearing, if any of the provisions or conditions of the Special Use Permit are not followed.

*changed to lower case*

*word changed from "listed" to "provided for"*

No Special Use Permit shall be granted by the Zoning Board of Appeals unless it finds that the use is provided for in the ordinance as a "special permitted use" and all provisions of the ordinance governing the issuance of such permits are followed exactly.

To ensure compliance with the provisions of this ordinance as applied to the Light Industrial District, all plans and specifications of proposed uses in this district must be submitted to the

Village of Winnebago Zoning Board of Appeals for its review prior to issuance of any applicable permits by the enforcing official.

The Supplementary Regulations provided in Section IV of the aforesaid Zoning and Building Code of the Village of Winnebago, Illinois, shall apply where no conflict exists between such regulations and the provisions herein contained, but if such regulations are in conflict with the provisions contained herein, those provisions contained herein shall supersede and control existing regulations.

**ARTICLE 2**

All other provisions of the Zoning and Building Code of the Village of Winnebago, Illinois, as amended, shall remain in full force and effect.

*indented*

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**APPROVED:**

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Frank J. Eubank, Jr., President  
Village of Winnebago Board of Trustees

**ATTEST:**

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**PASSED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PUBLISHED:** \_\_\_\_\_